

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 5, 1942.

The City Council of the City of Austin, Texas, convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, March 5, 1942, at 10:30 A.M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C.F. Alford, Eugene C. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; absent, none.

The Minutes of the regular meeting of February 26, 1942, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The question of whether the City should take bids for leasing of the Municipal Airport to private management, or operate same under City management, came up for discussion. A delegation of citizens was present on the matter, and those participating in the discussion were as follows:

BOB COLTHARP, Chairman of a committee from the Industrial Division of the Chamber of Commerce Aviation Committee, spoke, substantially, as follows:

"That his committee, after a study of this particular phase of the matter, were of the opinion that the City should try to secure a manager for the Airport, a non-operating manager, preferably a flier but not one who was trying to make a living from flying, and that he should be on the payroll of the City and manage the airport as other City activities are managed;

'That a national survey has disclosed that only about 6% of the airports in the United States are operated on other plans - 94% being operated on the plan proposed;

'That if the manager or lessee of the Airport is an operator, he would not have to report to the City Manager and would run the Airport, owned by the taxpayers, for his own profit, which is not the democratic way; that any profit made should go to the City, and if there is a loss, then the City should take that loss, but, if properly managed, in time there would not be a loss;

'That the airport, including the land area, equipment, etc., is all a public enterprise and public property and should be operated on same basis as the streets and highways;

'That the City would have police jurisdiction and would see that the CAA rules are followed. "

WEBB RUFF, a former manager of the Airport, indorsed the statements of Bob Coltharp, adding that he does not believe that the Airport will ever be operated at a profit by the City, but, if for no other reason, custom will require that it be operated by the City as a utility, and that is the way it will have to be operated to get the most benefit for the City, for the advantages accruing to the City are not measured in dollars and cents; and that it is better to have same operated by a manager on a salary, under the City Manager, and not allow him to engage in flying for a living. "

The Mayor then asked if there were any present who wished to submit bids for leasing of the Airport.

G. C. Cross stated that he had considered submitting a bid, but would not do so if there were no other bidders, and that he was in favor of City management of same.

Mr. Wright, who operates a flying school, also stated that he had rather the City would operate the Airport.

No other persons desiring to be heard, Councilman Wolf then moved that the City take over and operate the Municipal Airport as a City activity, under the management of a man employed by the City Manager; that the City Manager be authorized to receive applications for this position, and to set up a supplemental budget covering the operation of such Airport. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The City Manager then advised the Council that he would have such supplemental budget ready for approval at the next regular meeting.

B. H. Williams, Agent of Gulf Oil Corporation, informed the Council that if the City desires to put in additional equipment for gasoline at the Municipal Airport, his Company would be glad to

take the matter up with the officials in Washington.

It was the sense of the meeting that the City Manager be authorized to provide for the gasoline requirements of the Airport.

Melvin Pannell submitted to the Council his Chauffeur's License, just granted by the Texas Department of Public Safety, and asked that he be granted a taxicab driver's permit. After some discussion, it was moved by Councilman Wolf that the said Melvin Pannell be granted a probationary taxicab driver's permit for thirty days, subject to cancellation in the meantime upon the first offense. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The written request of H. F. Severn, Agent of the Sinclair Refining Company, for permission to use the southeast corner of the Butler tract, approximately three hundred feet square, for the purpose of putting on a demonstration of the "Sinclair Flight Trainer" from March 26th to March 30th, was received. The matter was referred to the City Manager, with instructions to grant the request as set forth in such written communication.

The written application of Jos. Lucas and R. C. Leigh for a change in zoning, from "C-1" Commercial District to "C-2" Commercial District, of the south side of East First Street between Congress Avenue and Red River Street, or alternatively, between Trinity and Red River Streets, was received; and the matter was referred to the Board of Adjustment for consideration and report.

Councilman Bartholomew offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approved as a private gasoline plant, for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, the property situated on the east side of Neches Street north of East Third Street, which property is owned by Gugenheim-Goldsmith Company and is designated as Lot 1, Block 34, Original City of Austin, Travis County, Texas, and hereby authorizes Gugenheim-Goldsmith Company, acting by and through Harold W. Hoefgen, Manager, to operate a private gasoline plant for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted, subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Gugenheim-Goldsmith Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations Attached)

" Austin, Texas
March 5, 1942

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Gugenheim-Goldsmith Company, acting by and through Harold W. Hoefgen, Manager, for permission to operate a private gasoline plant for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of Neches Street north of East Third Street, which property is designated as Lot 1, Block 34, Original City of Austin, Travis County, Texas, and locally known as 305 Neches Street.

This property is located in a "C-2" Commercial District and I recommend that this permit be granted, subject to the following conditions:

- (1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the National Board of Fire Underwriters and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.
- (2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.
- (3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That a permit be secured from the Building Inspector's office before any installation work is started.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Alford:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

A gas main in EXPOSITION BOULEVARD from West 35th Street southerly 166 feet, the center-line of which gas main shall be 7½ feet west of, and parallel to, the east property line of said Exposition Boulevard.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utilities damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller offered the following resolution, which was unanimously adopted and ordered spread on the minutes:

WHEREAS, Dr. George M. Decherd, City Health Officer for the past five years, and City School Physician for many years, died on Thursday, February 26, 1942; and

WHEREAS, the City Council wishes to express their appreciation for the many years of constructive service which Dr. Decherd rendered to the Schools and to the public health of the City of Austin;

therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

THAT this resolution expressing this appreciation be recorded in the minutes of the City Council meeting and the City Clerk is so instructed.

The City Attorney was instructed to prepare a resolution commemorating the death of Judge A. L. Love, former City Attorney, for adoption at the next regular meeting.

The following bids on fire apparatus were opened and read:

American-La France Foamite Corporation:
1 American-La France Type 80, 750 gallon Triple Combination
Pumping Engine ----- \$9,000.00

Mack International Motor Truck Corporation:
1 Mack Type 80, 750-gallon Triple Combination Pumping Engine 8,994.68

The Seagrave Corporation:
1 Seagrave Type 80, 750-gallon Triple Combination Pumping
Engine ----- 8,934.00
Less Deductions ----- 8,654.32

Councilman Wolf moved that the not bid of The Seagrave Corporation, in the amount of \$8,654.32, be accepted, and that the City Manager be authorized to enter into contract accordingly. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Ralph Hugh Smith, 1003 West 12th Street, for a taxicab driver's permit be granted, as recommended by the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford moved that the application of Lille Douglas Moore, 1118 West 5th Street, for a taxicab driver's permit be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf moved that the application of F. R. Arnham, 300 Congress Avenue, for a taxicab license be granted, as recommended by the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf moved that the application of A. Hobbs, 300 Congress Avenue, for a taxicab license be granted, as recommended by the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf moved that the application of James Monroe McDugle, 81 San Saba Street, for a taxicab license be granted, as recommended by the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf offered the following ordinance :

AN ORDINANCE REGULATING THE SOLICITATION OR ACCEPTANCE OF ALMS OR GIFTS FOR CHARITABLE, PATRIOTIC, OR PHILANTHROPIC PURPOSES IN THE CITY OF AUSTIN, AND REQUIRING EVERY PERSON TO OBTAIN A PERMIT TO ENGAGE IN ANY SUCH ACTIVITY; MAKING CERTAIN EXCEPTIONS; PRESCRIBING A FORM OF APPLICATION AND A STANDARD BY WHICH ANY PERMIT MAY BE GRANTED OR REFUSED; PROVIDING FOR SUSPENSION OR REVOCATION OF A PERMIT; PROHIBITING CERTAIN UNLAWFUL PRACTICES IN CONNECTION WITH THE SOLICITATION OR ACCEPTANCE OF ALMS OR GIFTS; REPEALING AN ORDINANCE PASSED OCTOBER 2, 1941, RECORDED IN ORDINANCE BOOK "L", PAGES 187-190, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, BUT MAKING THIS ORDINANCE CUMULATIVE OF ALL ORDINANCES OR PARTS OF ORDINANCES NOT IN CONFLICT HEREWITH; PROVIDING A SAVING CLAUSE; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time and Councilman Wolf moved that the Ordinance be passed to its second reading. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Ordinance was then laid over for its second reading.

The following resolution was introduced by Councilman Wolf:

WHEREAS, an election was held in the City of Austin, Texas, on the 4th day of March, A. D. 1942, at which election there was submitted to the qualified voters of said City, for their action thereon, the certain proposition to issue bonds of the City of Austin for the purpose hereinafter named; and

WHEREAS, the City Council has this day canvassed the returns of said election, as made and reported by the officers of said election of the various voting wards of said City, and has found said returns to show the following results of said election:

EAST FIRST WARD

For the Proposition ----- 209

Against the Proposition ----- 39

WEST FIRST WARD

For the Proposition ----- 232

Against the Proposition ----- 14

SECOND WARD A

For the Proposition ----- 59

Against the Proposition ----- 4

SECOND WARD B

For the Proposition ----- 62

Against the Proposition ----- 7

SECOND WARD C

For the Proposition ----- 151

Against the Proposition ----- 30

WARD 3-A

For the Proposition ----- 111

Against the Proposition ----- 0

WARD 3-B

For the Proposition ----- 77

Against the Proposition ----- 12

WARD 3-C

For the Proposition ----- 200

Against the Proposition ----- 39

WARD 4-A

For the Proposition ----- 98

Against the Proposition ----- 12

WARD 4-B

For the Proposition ----- 183

Against the Proposition ----- 38

WARD 4-C

For the Proposition ----- 193

Against the Proposition ----- 30

WARD 4-D

For the Proposition ----- 192

Against the Proposition ----- 32

WARD 4-E

For the Proposition 94
 Against the Proposition 17

WARD 5-A

For the Proposition 90
 Against the Proposition 6

WARD 5-B

For the Proposition 141
 Against the Proposition 29

WARD 6

For the Proposition 117
 Against the Proposition 10

WARD 6-A

For the Proposition 60
 Against the Proposition 4

WARD 7-A

For the Proposition 73
 Against the Proposition 14

WARD 7-B

For the Proposition 126
 Against the Proposition 11

SUMMARY

Total Votes Cast FOR the Proposition . . . 2488
 Total Votes Cast AGAINST the Proposition . 338

and

WHEREAS, it has been determined by said canvass of said return of said election, as tabulated and set out above, that said proposition received at said election more than two-thirds affirmative votes of all the votes cast thereon; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT it is hereby declared the result of said election to be that the City Council of the City of Austin has been and is authorized by the voters at said election, in the majority required by law, to issue bonds of the City of Austin, in the amount and for the purpose hereinafter stated, provided that none of said bonds shall bear interest at a rate exceeding three (3%) per cent and to mature not exceeding thirty years from the date of same, serially or otherwise, as may be determined by the City Council, to-wit:

For the purpose of condemning or purchasing, either or both, lands located within or without the corporate limits of the City of Austin, to be used, maintained, and operated as an airport, and for improving and equipping the same for such use.

Upon motion of Councilman Wolf, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was offered by Councilman Alford:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$1,300.42 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing one payroll accounting machine for the Accounting Division.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was offered by Councilman Gillis:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$378.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing one desk model bookkeeping machine for the Tax Division.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE REGULATING THE RATES TO BE CHARGED CONSUMERS FOR NATURAL GAS AND GAS SERVICE WITHIN THE CITY OF AUSTIN, TEXAS, AND REPEALING CERTAIN PROVISIONS CONTAINED IN SECTION 14 OF THE ORDINANCE WHICH IS RECORDED IN ORDINANCE BOOK "G", PAGES 379-389, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND REPEALING THE GAS RATE ORDINANCE PASSED AND APPROVED OCTOBER 10, 1935, WHICH ORDINANCE IS RECORDED IN ORDINANCE BOOK "K", PAGE 46, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rules be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor then declared the ordinance finally passed.

A petition, signed by W. F. Kuehne, et al., asking for a traffic light at the intersection of Red River and East 11th Streets, in view of the heavy traffic at this point and the obstructions to vision that exist, was received; and the matter was referred to the Traffic Division for consideration and recommendation.

Approved: Tom Miller
Mayor

Attest:

Sallie McKeel
City Clerk